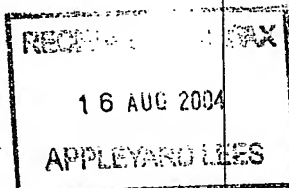


From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

Waddington, Richard
APPLEYARD LEES
15 Clare Road
Halifax HX1 2HY
GRANDE BRETAGNE



NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

13.08.2004

Applicant's or agent's file reference
RW/Y1177

IMPORTANT NOTIFICATION

International application No.
PCT/GB 03/02537

International filing date (day/month/year)
12.06.2003

Priority date (day/month/year)
13.06.2002

Applicant
TILLOTSON, Robert Henry

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
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Authorized Officer

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

| | | |
|---|--|--|
| Applicant's or agent's file reference RWY1177 | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416) | |
| International application No. PCT/GB 03/02537 | International filing date (<i>day/month/year</i>) 12.06.2003 | Priority date (<i>day/month/year</i>) 13.06.2002 |
| International Patent Classification (IPC) or both national classification and IPC F21S10/02 | | |
| Applicant TILLOTSON, Robert Henry | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 7 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

I ☒ Basis of the opinion

II ☐ Priority

III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability



IV ☐ Lack of unity of invention

V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

| | |
|---|---|
| Date of submission of the demand 29.11.2003 | Date of completion of this report 13.08.2004 |
| Name and mailing address of the international preliminary examining authority: <div style="margin-left: 20px;">  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 </div> | Authorized Officer Bader-Arboreanu, A Telephone No. +49 89 2399-6991 <div style="text-align: right;">  </div> |

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/02537

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-16 as originally filed

Claims, Numbers

1-15 received on 01.06.2004 with letter of 28.05.2004

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/02537

5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

see separate sheet

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 13, 14

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the said claims Nos. 13, 14

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|-----------|
| Novelty (N) | Yes: Claims | - |
| | No: Claims | 1,2,10,11 |
| Inventive step (IS) | Yes: Claims | - |
| | No: Claims | 1-12,15 |
| Industrial applicability (IA) | Yes: Claims | 1-12,15 |
| | No: Claims | - |

2. Citations and explanations

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/02537

see separate sheet

Re Item I

Basis of the report

The amendments to claim 1 filed with the International Bureau under Article 19(1) introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 19(2) PCT. The amendments concerned are the following: "wherein the cover means is in contact with the respective lamp". This amendment has no basis, on page 11, line 1-17 (and also in the rest of the disclosure) are not disclosed such features, also figure 5 shows a gap between the lamp and the cover means.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: US-A-2201093

D2: GB-A-1348373

D3: US-A-5716123

- 1. The present application does not meet the requirements of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.**

Document D1 discloses (col. 1, li. 46 - col. 2, li. 40) a lighting system comprising a plurality of lamps (10), cover means (11) for the lamps and control means, wherein the cover means (11) surrounds the lamp and the control means (21, 22, 12, 13) are operable to move the cover means (11) relative to the respective lamp (10), wherein the cover means is a sleeve, wherein the cover means (11) is operable to receive removable strips (18) to alter the colour of the light transmitted by the cover means.

Even if the feature "power control means for the lamp" is not explicitly disclosed in D1 it is an implicit feature because the lamp can not function without power control means e.g. in the form of a power switch.

- 2. Document D1 also discloses the supplementary feature of claims 10 and 11. Therefore the subject-matter of claims 10 and 11 is also not new.**

3. The subject-matter of claims 3 to 9, 12 and 15 does not involve an inventive step in the sense of Article 33(3) PCT.

Document D2 discloses (col. 1, li. 49 - col. 2, li. 10, col. 3, li. 42-62 and fig. 4, 7, 8, 12) the supplementary features of claims 2, 4, 5 and 6:

- a cover which comprises two sleeves, an inner sleeve (42, 76) and an outer sleeve (12) (claim 2),
- the outer sleeve (12) is circular in cross section (claim 4),
- pockets (50) are formed between the inner and outer sleeves (claim 5),
- the pockets are adapted to receive inserts (29) (claim 6)

Document D3 also discloses the supplementary feature of claim 4 .

The skilled person would therefore regard it as obvious to include these features in the lighting system described in document D1 in order to improve the design.

As the additional features of claims 3, 7, 8, 9, 12, 15 seem to refer to further constructional modifications like shape of the inner sleeve or use of the lighting system as an education apparatus, which comes within the scope of the customary practice followed by persons skilled in the art, the subject-matter of these claims also appears to lack an inventive step.

4. No examination was carried out on claims 13 and 14, because claims 13 and 14 were not searched (see reasoning from search report).

5. Further remarks

Contrary to Rule 6.3(b) PCT, independent claim 1 is not in the two-part form, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

Contrary to Rule 6.2(b) PCT, the features of the claim are not provided with reference signs placed in parentheses.

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB 03/02537

document identified therein.

CLAIMS

1. A lighting system comprises at least one lamp, a power control for the or each lamp, cover means for the or each
5 lamp and control means, wherein the or each cover means is adapted to substantially surround a respective lamp and the control means are operable to move the or each cover means relative to their respective lamp, wherein the cover means is a sleeve, wherein the or each cover means is
10 operable to receive removable strips to alter the colour of light transmitted by the or each cover means, and wherein the cover means is in contact with the respective lamp.
- 15 2. A lighting system as claimed in claim 1, in which the covers comprises two sleeves, being inner and outer sleeves.
3. A lighting system as claimed in claim 2, in which the
20 inner sleeve is generally square in cross-section.
4. A lighting system as claimed in either claim 2 or claim 3, in which the outer sleeve is generally circular in cross-section.
- 25 5. A lighting system as claimed in any one of claims 2 to 4, in which pockets are formed between the inner and outer sleeves.
- 30 6. A lighting system as claimed in claim 5, in which the pockets are adapted to receive inserts.